

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HUNG NAM TRAN and
ERIC L. FANKHAUSER, on behalf of
themselves and all others similarly situated ,

Plaintiffs,

v.

KAREN TIMBERLAKE, Secretary of the
Wisconsin Department of Health Services,
STEVE WATTERS, Director at Sandridge
Secure Treatment Facility and
BYRON BARTOW, Director at Wisconsin
Resource Center,

Defendants.

ORDER

09-cv-507-bbc

In response to an order entered August 20, 2009, plaintiffs Hung Nam Tran and Eric Fankhauser have submitted their resident account statements for the six-month period immediately preceding the filing of their joint complaint. From the statements I conclude that plaintiff Tran has the means to prepay a portion of the filing fee in the amount of \$8.58 and that plaintiff Fankhauser has the means to prepay a portion of the filing fee in the amount of \$8.70. The plaintiffs are reminded that paying the amount I have determined each

is able to prepay is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After the court receives plaintiffs' payments, I will take the complaint under advisement for a determination under § 1915(e)(2) whether the action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because the plaintiffs seek monetary relief against a defendant who is immune from such relief. Plaintiffs should show a copy of this order to institution officials to insure that they are aware they should send plaintiffs' initial partial payments to this court.

As a final matter, plaintiffs should be aware that each will be held legally responsible for knowing precisely what is being filed in the case on his behalf. He will be subject to sanctions under Fed. R. Civ. P. 11 for any pleading, motion or other paper filed over his name if such sanctions are found warranted in any aspect of the case.

ORDER

IT IS ORDERED that

1. Plaintiff Hung Nam Tran qualifies financially for pauper status on the condition that he prepay \$8.58 of the \$350 filing fee. He is to submit a check or money order made payable to the clerk of court in that amount on or before September 22, 2009. If, by September 22, 2008, plaintiff Tran fails to submit the required initial partial payment, I will dismiss him from the case for failure

to prosecute.

2. Plaintiff Eric Fankhauser qualifies financially for pauper status on the condition that he prepay \$8.70 of the \$350 filing fee. He is to submit a check or money order made payable to the clerk of court in that amount on or before September 22, 2009. If, by September 22, 2008, plaintiff Fankhauser fails to submit the required initial partial payment, I will dismiss him from the case for failure to prosecute.

Entered this 2nd day of September, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge